

AMENDED IN SENATE MAY 29, 2007

AMENDED IN ASSEMBLY APRIL 18, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1211

Introduced by Assembly Member Price

February 23, 2007

An act to amend the Section 2025.510 of the Code of Civil Procedure, relating to depositions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1211, as amended, Price. Depositions: costs.

Existing law provides a comprehensive procedure for the noticing, conduct, and transcription or recording of oral depositions inside the state. Existing law requires the party noticing the deposition to bear the cost of the transcription, unless the court, on motion and for good cause, orders that the cost be borne or shared by another party.

This bill would provide, in addition, that the obligation to timely pay the deposition officer or entity providing the services of the deposition officer for that transcription, and any other deposition products or services, *as defined*, that are requested, shall be the responsibility of the requesting attorney or a party representing himself or herself, unless responsibility for the payment is otherwise provided by law or the deposition officer or entity is notified in writing that the party or another identified person will be responsible for payment. The bill would provide that these provisions do not prohibit or supersede an agreement between an attorney and a party allocating responsibility for the payment of deposition costs to the party.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2025.510 of the Code of Civil Procedure
2 is amended to read:

3 2025.510. (a) Unless the parties agree otherwise, the testimony
4 at any deposition recorded by stenographic means shall be
5 transcribed.

6 (b) The party noticing the deposition shall bear the cost of that
7 transcription, unless the court, on motion and for good cause
8 shown, orders that the cost be borne or shared by another party.
9 ~~The obligation to timely pay the deposition officer or entity~~
10 ~~providing the services of the deposition officer for that~~
11 ~~transcription, and any other deposition products or services that~~
12 ~~are requested, either orally or in writing, shall be the responsibility~~
13 ~~of the requesting attorney or party appearing in propria persona,~~
14 ~~unless responsibility for the payment is otherwise provided by law~~
15 ~~or unless the deposition officer or entity is notified in writing at~~
16 ~~the time the services or products are requested that the party or~~
17 ~~another identified person will be responsible for payment. This~~
18 ~~subdivision does not prohibit or supersede an agreement between~~
19 ~~an attorney and a party allocating responsibility for the payment~~
20 ~~of deposition costs to the party.~~

21 (c) Notwithstanding subdivision (b) of Section 2025.320, any
22 other party or the deponent, at the expense of that party or
23 deponent, may obtain a copy of the transcript.

24 (d) If the deposition officer receives a request from a party for
25 an original or a copy of the deposition transcript, or any portion
26 thereof, and the full or partial transcript will be available to that
27 party prior to the time the original or copy would be available to
28 any other party, the deposition officer shall immediately notify all
29 other parties attending the deposition of the request, and shall,
30 upon request by any party other than the party making the original
31 request, make that copy of the full or partial deposition transcript
32 available to all parties at the same time.

33 (e) Stenographic notes of depositions shall be retained by the
34 reporter for a period of not less than eight years from the date of
35 the deposition, where no transcript is produced, and not less than

1 one year from the date on which the transcript is produced. Those
2 notes may be either on paper or electronic media, as long as it
3 allows for satisfactory production of a transcript at any time during
4 the periods specified.

5 (f) At the request of any other party to the action, including a
6 party who did not attend the taking of the deposition testimony,
7 any party who records or causes the recording of that testimony
8 by means of audio or video technology shall promptly do both of
9 the following:

10 (1) Permit that other party to hear the audio recording or to view
11 the video recording.

12 (2) Furnish a copy of the audio or video recording to that other
13 party on receipt of payment of the reasonable cost of making that
14 copy of the recording.

15 (g) If the testimony at the deposition is recorded both
16 stenographically, and by audio or video technology, the
17 stenographic transcript is the official record of that testimony for
18 the purpose of the trial and any subsequent hearing or appeal.

19 (h) (1) *The requesting attorney or party appearing in propria*
20 *persona shall timely pay the deposition officer or the entity*
21 *providing the services of the deposition officer for the transcription*
22 *or copy of the transcription described in subdivision (b) or (c),*
23 *and any other deposition products or services that are requested*
24 *either orally or in writing.*

25 (2) *This subdivision shall apply unless responsibility for the*
26 *payment is otherwise provided by law or unless the deposition*
27 *officer or entity is notified in writing at the time the services or*
28 *products are requested that the party or another identified person*
29 *will be responsible for payment.*

30 (3) *This subdivision does not prohibit or supersede an agreement*
31 *between an attorney and a party allocating responsibility for the*
32 *payment of deposition costs to the party.*

33 (i) *For purposes of this section, "deposition product or service"*
34 *means any product or service provided in connection with a*
35 *deposition that qualifies as shorthand reporting, as described in*
36 *Section 8017 of the Business and Professions Code, and any*
37 *product or service derived from that shorthand reporting.*